

Calendar No. 1238

77TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 1203 }

CARROL D. WARD

MARCH 25 (legislative day, MARCH 5), 1942.—Ordered to be printed

Mr. SPENCER, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 2192]

The Committee on Claims, to whom was referred the bill (H. R. 2192) authorizing and directing the Secretary of the Treasury to reimburse Carrol D. Ward for the losses sustained by him by reason of the negligence of an employee of the Civilian Conservation Corps, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

Page 1, line 6, strike out the figures "\$3,500" and insert "\$2,500".

The facts are fully set forth in House Report No. 1298, Seventy-seventh Congress, first session, which is appended hereto and made a part of this report.

[H. Rept. No. 1298, 77th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (H. R. 2192) authorizing and directing the Secretary of the Treasury to reimburse Carrol D. Ward for the losses sustained by him by reason of the negligence of an employee of the Civilian Conservation Corps, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 6, strike out "\$25,000" and insert in lieu thereof "\$3,500".

Page 1, line 7, strike out "for damages".

Page 1, line 8, strike out "suffered" and insert in lieu thereof "sustained".

Page 1, line 13, strike out the period after the word Oregon and insert ": *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Amend the title so as to read: "A bill for the relief of Carrol D. Ward."

The purpose of the proposed legislation is to pay out of any money in the Treasury, not otherwise appropriated, the sum of \$3,500 to Carrol D. Ward for personal injuries sustained on March 2, 1934, when the automobile in which he was riding was struck by a motor-truck owned by the United States and driven by an enrollee of the Civilian Conservation Corps.

At about 9:30 p. m., March 2, 1934, Carrol D. Ward, together with his wife, Leona K. Ward, and Mr. C. L. Berchtold were traveling from Albany to Corvallis, Oreg. Claimant's car was operated by his wife, Leona K. Ward. Government truck U. S. D. A. No. 10-212, one of a convoy of two trucks, was proceeding in a northerly direction on the Albany-Corvallis Highway. At a point about 4 miles from Albany, Oreg., while proceeding on a bridge known as Bowers Slough Bridge, the claimant's car and the Government truck, driven by an enrollee of the Civilian Conservation Corps, collided. Mrs. Ward first noticed the Government vehicle approaching on her side of the highway and had pulled as far to her right as she could. The approaching vehicles had nothing more than headlights, which led Mrs. Ward to believe that the approaching vehicles were passenger cars. Mrs. Ward had reduced the speed of her car at the time of the collision, and it was a part of the frame of the bed of the Civilian Conservation Corps truck which extended from the side of the bed at the rear that struck the Ward car, causing it to turn over on the right side, pinning Mr. Ward's arm. Mrs. Ward received lacerations which were not of a serious nature.

As a result of the accident Carrol D. Ward was taken to the hospital and, due to the seriousness of the injury, had to have his right arm amputated.

It seems that the lights, tires, brakes, and steering apparatus of the Government truck were checked during the journey in question, once in Reedsport, Oreg., and again at Eugene, Oreg., and on each occasion same were found to be in good mechanical condition. The board found that the accident was not due to any fault or negligence of the Government driver, but was due to the negligence of the driver of claimant's car in that she was proceeding at an excessive speed and was proceeding too near the center of the roadway at the time the accident occurred.

In the affidavit of John Newton he states that the two Government trucks had no clearance lights of any kind on their journey between Corvallis and the point near Albany where the collision occurred, and that they were without lights when one of them struck the Ward car.

In the affidavit of A. L. Niles, an officer of the Oregon State police, he states that neither of the Government trucks had side lights when they proceeded on their way from Albany to Salem after the accident. This is a violation of the statutes of the State of Oregon and constitutes negligence on the part of the driver under laws of that State.

In the affidavit of C. L. Berchtold he states that when the accident occurred the car which was driven by Mrs. Ward was so far to her own right-hand side of the highway that the right wheels of her car were against the curb of the bridge. This affidavit also corroborates the statement of State Trooper Niles and John Newton that there were no clearance lights or running lights of any kind on the trucks. He further states that the projection at the rear of the truck which

struck the Ward car was also unlighted. This latter omission also constitutes a violation of the Oregon statutes.

In the affidavit of Mrs. Leona K. Ward, wife of the claimant, she states that the driver of the Government truck cut directly into his left side of the road, where he was when the collision occurred, and that she had just before the impact brought her car to a complete stop by applying her brakes, and that at the moment of the impact both right tires of her car were resting against the right-hand curb of the bridge.

In connection with the affidavit of Mrs. Leona K. Ward it is noted that she states that was the first time she had made a statement under oath relative to the accident, and that the Army officer in charge of the investigation never at any time asked Mr. or Mrs. Ward or Mr. Berchtold, occupants of the claimant's car, to make any statement regarding the accident, and that at no time during the investigation were any of these people asked any questions or invited by any member of the board to give testimony, and the findings of the board were held and made without giving either claimant or his wife any opportunity to be heard on any point or matter covered in the board's findings.

In the affidavit of Ellis Donovan, who visited the scene of the collision in the company of W. W. Winters, an officer of the Oregon State police, states that the tire marks of the Government truck disclosed conclusively that the truck had crossed to the left side of the road and that the tire marks of claimant's car disclosed that at the time of the collision the right wheels of claimant's car were against the right curb of the bridge.

In the affidavit of Carrol D. Ward he corroborates the statement of his wife, Leona K. Ward, and discloses further that the only Government witness who saw the accident was Carl Nelson, the driver of the truck which struck the Ward car.

While it is not so stated in the excerpt from the board's findings, which appears in the letter of the Secretary of War to your committee, there was some contention by the board of officers that Mrs. Ward had been drinking at some time prior to the accident. Evidence refuting this accusation in the form of affidavits is made a part of this report. The accusation was not substantiated or corroborated by any responsible persons. Among the affidavits is one from J. K. Mills, a police officer of the city of Albany, who was on duty at the time of the collision, and who states positively and without equivocation that Mrs. Ward had not been drinking.

Your committee is of the opinion that the driver of the Government truck was negligent in that he failed to have the proper clearance lights on his truck and that he was not on his proper side of the highway in attempting to pass the Ward car. Therefore, your committee recommend that the sum of \$3,500 be paid to Carrol D. Ward as compensation for the loss of his right arm.

Appended hereto is the report of the War Department, together with other pertinent papers.

FEBRUARY 6, 1935.

HON. AMBROSE J. KENNEDY,
*Chairman, Committee on Claims,
House of Representatives.*

DEAR MR. KENNEDY: Careful consideration has been given to the bill (H. R. 1882, 74th Cong.) authorizing and directing the Secretary of the Treasury to reimburse Carrol D. Ward for the losses sustained by him by reason of the negligence of an employee of the Civilian Conservation Corps, which you transmitted to the War Department under date of January 26, 1935, with request for information and the views of the Department relative thereto.

The purpose of the proposed legislation is to pay Carrol D. Ward, of Albany, Oreg., the sum of \$25,000 in full satisfaction of his claim against the United States for damages for personal injuries suffered on March 2, 1934, near Corvallis, Oreg., in an automobile accident involving a Civilian Conservation Corps truck.

The records of the War Department show that the accident was investigated by a board of officers, and their findings are substantially as follows:

"Government truck U. S. D. A. No. 10-212, one of a convoy of two trucks, was proceeding in a northerly direction on the Albany-Corvallis Highway. Claimant's car, a Pontiac sedan, operated by his wife, Mrs. Leona K. Ward, was proceeding on this highway in the opposite direction. The weather was clear, the night dark, and the roadway paved and dry. At a point about 4 miles from Albany, Oreg., while proceeding on a bridge, known as Bowers Slough Bridge, the claimant's car and the Government truck collided. As a result of the impact the claimant's car was turned partly around and swerved across to claimant's right side of the bridge; struck the railing of the bridge on that side, and then overturned, pinning the claimant's right hand between the car and the pavement, and injuring it so severely that it was necessary for him to have his right arm amputated.

"It further appears that Bowers Slough Bridge is constructed of concrete and is about 20 feet wide. The approach to the bridge from the south is straight for about one-half mile, while the approach from the north is curved. It further appears from the record that the lights, tires, brakes, and steering apparatus of the Government truck involved were checked during the journey in question, once at Reedsport, Oreg., and again at Eugene, Oreg., and on each occasion same were found to be in good mechanical condition. The board found that the accident was not due to any felt of negligence on the part of the Government driver, but was due to negligence of the driver of the claimant's car in that she was proceeding at an excessive rate of speed and was proceeding too near the center of the roadway at the time the accident occurred. It was recommended by the board that the claim be not allowed."

There is no authority of law or appropriation available to the War Department for the payment of claims for personal injuries, or expenses incident thereto, arising out of the activities of the Army, except those not exceeding \$250, occasioned by the operation of Army aircraft, and, while the distressing accident is deeply regretted, the War Department, in view of all the circumstances shown above, is constrained to recommend that the legislation be not enacted into law.

Sincerely yours,

GEORGE H. DERN,
Secretary of War.

EXHIBIT A

STATE OF OREGON,

County of Linn, ss:

I, John Newton, being first duly sworn, depose and say that on the night of March 2, 1934, between 9 and 9:30 p. m., I was driving a truck from Corvallis to Albany, Oreg. As I was leaving Corvallis I noticed I was following closely two Civilian Conservation Corps trucks. I was still following them when the truck ahead collided with a car driven by Mrs. Leona K. Ward.

While I drove along behind them I also noticed that neither of them had any clearance lights of any kind. The thought came to me, then, that because they were Government trucks was the reason they could disobey the law and get away with it, and that if they were privately owned trucks, such as the one I was driving, they would be arrested before they had gone 10 miles.

After the truck in the lead collided with the car Mrs. Ward was driving, the truck following it was driven around the car, which was on its side on the bridge, and took Mr. Ward to the hospital in Albany. I drove onto the bridge next to the overturned car, which was soon put on its wheels and rolled off the bridge so as to allow traffic to resume.

The nature of the damage to the car, the position in which it was laying, and the place where it was when it was hit, proved beyond all doubt that the truck had crossed to its left side of the highway and struck it.

I am positive as to the truck not being legally lighted for I vividly remember the thought of injustice that came to me as I drove along behind them before the accident.

JOHN NEWTON.

Subscribed and sworn to before me this 26th day of March 1941.

[SEAL]

J. M. PIPE, *Notary Public*.

My commission expires November 5, 1941.

EXHIBIT B

STATE OF OREGON,
County of Marion, ss:

I, A. L. Niles, being first duly sworn, on oath depose and say:

That at and during all the times and dates hereinafter mentioned I was and now am employed as a police officer of the Oregon State police, under Superintendent of State Police Charles Pray.

That on the evening of March 2, 1934, and after the hour of midnight, I was patrolling the highway from the city of Salem to Albany, Oreg., and while so engaged in my employment I met upon the highway two large Civilian Conservation Corps trucks, being driven and operated by Civilian Conservation Corps employees. Neither of these trucks had thereon side lights; and so, in the performance of my duties and from the driver of one of the trucks, I learned that the truck that same evening had had a collision with an automobile near Albany.

That I am informed that it is the same truck that was involved in an accident wherein Carrol D. Ward lost his arm.

A. L. NILES.

Subscribed and sworn to before me this 25th day of February 1935.

[SEAL]

A. D. GODDARD, *Notary Public*.

My commission expires July 31, 1935.

EXHIBIT C

STATE OF OREGON,
County of Lane, ss:

I, C. L. Berchtold, being first duly sworn, depose and say that I was in company with Mr. Carol D. Ward and his wife, Mrs. Leona K. Ward, from about 5 p. m. until after the accident, about 9:30 p. m.; that we had a collision with a Civilian Conservation Corps truck between Albany and Corvallis, Oreg., on March 2, 1934.

I was riding in the rear seat directly behind Mr. Ward. As we approached a bridge I noticed the headlights of two or three cars coming toward us. As the lead car drew nearer to us, and we drew nearer to the bridge, I saw that the driver of the other car was driving close to the center of the road. The closer we came the more the other driver drove to our side of the road. At the same time Mrs. Ward was driving her car as far to the right as possible, until its right wheels were against the curb of the bridge; and that is where it was when it was struck by the other car. I did not know until after the collision that the other vehicle was a truck. There were no clearance or running lights of any kind on it, which is contrary to the Oregon motor-vehicle law. When approaching it there was nothing to distinguish it from any other car.

The impact started at the left front side of the car and gradually became greater as the truck kept traveling and cutting to its left. It was an unlighted projection at the rear of the truck bed that did most of the damage to the car. The bottom half of the left rear door, the left side of the body behind the door, and the left rear end was completely torn out.

As the pressure of the truck left the car at the rear, it gave it a snap that pulled the front of the car from the curb toward the center of the road and flipped it over on its right side, catching Mr. Ward's arm between the side of the top of the car and the deck of the bridge. Had I been riding on the other side of the car there is no doubt but that I would have been killed.

During the entire time I was with Mr. and Mrs. Ward neither of us had a drink of any kind of intoxicating liquor. I know I had not, and there was no indication or evidence that either of them had had any drinks previously that day.

C. L. BERCHTOLD.

Subscribed and sworn to before me this 26th day of March 1941.

[SEAL]

LOY W. ROWLING, *Notary Public*.

My commission expires April 11, 1941.

EXHIBIT D

STATE OF OREGON,

County of Deschutes, ss:

I, Mrs. Leona K. Ward, being first duly sworn, depose and say that on the evening of March 2, 1934, about 9:30, I was driving an automobile from Albany to Corvallis, Oreg., in company with my husband, Mr. Carol D. Ward, who was riding beside me, and Mr. C. L. Berchtold, who was riding in the rear seat directly behind Mr. Ward.

As I approached, on a right-hand curve, a concrete bridge, I saw coming toward us on the other side of the bridge, about a fifth of a mile away, the headlights of two or three automobiles. As they and we got closer I could see that the driver of the first car was driving with the left wheels of his car very close to the center of the road. As he advanced he drove farther to my side of the bridge. When we were perhaps a hundred feet apart I saw that if he did not come any farther over the center I would have room to pass by driving to my right as far as I could.

The road at this point as it approaches the bridge is a fill. Owing to this I could not get clear off the roadway. The bridge is narrower than the road and, not having the time or distance to come to a full stop, I consequently had to calculate an entrance to the bridge. I had lifted my foot from the accelerator when I first noticed he was cutting the curve to my side of the road, and when I got to the bridge I knew we could not escape his hitting us although I had the brakes of the car set and its right wheels against the curb of the bridge. Injury to the hub caps of those wheels, and concrete broken from the curb where the caps scraped (which is still visible), is proof of this statement.

I did not know until after the collision that the vehicle which hit us was a truck. It had no clearance lights of any kind, and could not have been distinguished from any other car when meeting it at night.

Our car was sideswiped while its right wheels were against the curb. The first point of impact was the spare-tire carrier on the left front fender. It was struck with a projection from the body and at the rear of the truck. This first impact was light, as the driver of the truck was cutting over gradually, but as the truck advanced the deeper the projection dug into our car. After hitting the spare-tire carrier it struck and broke the wind wing at the left of my head. From there to the rear of the car it dug deeper and deeper into the body. It caught on and tore off the handle to the rear door, together with the bottom half of the door. It caught the frame at the back of the door, tearing it and the entire rear end on the left side completely off and out. Had Mr. Berchtold been riding on that side of the car he certainly would have been killed.

The projection did not pull right on through and out the rear and leave the car standing by the curb. As the driver of the truck kept cutting to his left, the side pressure on the car was increased. By the time the projection had pulled out the bottom of the door, caught the door frame and was tearing through the body, the end pull together with the side pressure had become so great that, with the right rear wheel solid against the curb and acting as a pivot, the front end was pulled out toward the center of the road at an angle to the rear end. By the time the front end got to the same angle to the point of pull as the rear end, there was enough hold left by the projection to pull the bottom of the car toward the direction in which the truck was traveling to flip it over on its right side. It was when the car was turned over that Mr. Ward's arm was injured. This action could not have taken place were it not for the fact that the right rear wheel of our car was against the curb and immovable any farther to the right. Here again is proof that I was in no way to blame for the accident. The sequence and accuracy of description of the accident described above is proven by the fact

that the car was lying on its right side, crosswise of the bridge and in the course traveled by the truck.

Further evidence that the driver of the truck was entirely to blame for the accident is taken from the fact that the first impact was on the side and not on the front of our car. Had I been driving wide around the curve, or on the left of the center line, the first contact point would have been on the front of the car. It would have been physically impossible for me to have been driving in the path or the accepted right-of-way of the oncoming truck, and not had a head-on collision. Photographs of the car after the accident will show that neither headlights nor front fenders were damaged.

About 2 months after the accident an officer in the United States Army came to Albany and asked Mr. Ward and me to go with him to the scene of the accident, which we did. At no time did he ask us one or any question pertaining to the accident. Neither did he ask us to make a statement, oral or written, as to our participation in, or our view of, the accident. Mr. Ward, Mr. Berchtold, and I have never been asked by anyone to make a statement, give testimony, or give our views of the accident, in our behalf or otherwise. This is the first testimony I have given pertaining to the accident.

In a letter from the Adjutant General's office, dated at Washington, D. C., November 29, 1940, addressed to Mr. G. F. Cruson, Lebanon, Oreg., Maj. Gen. E. S. Adams, says: "* * * that an impartial and complete investigation was conducted." The very fact that none of the occupants of the car which I was driving, or anyone who could or would give testimony in our behalf, have ever been asked by the War Department or any of its representatives or anyone else to make a statement proves Mr. Adams' statement completely and wholly untrue. Mr. Adams goes on to say in the same letter: "From evidence obtained, it was found that Mrs. Ward was wholly at fault * * *". Now then I ask: What evidence and from whom obtained? General Adams did not say that "from evidence obtained" it was also found that the "Ward party had been drinking." This accusation came from the War Department not long after the accident, and was their first and only excuse at that time for disallowing the claim. Since that accusation was proven completely and unquestionably false with affidavits from the physician who attended Mr. Ward immediately after the accident, and others who were in a position to know the truth, the War Department have never mentioned "drinking" again. They immediately shifted their defense to the statement that I "was wholly at fault." Now then, the charge that I "was wholly at fault" could be as false as the "drinking" charge, since the testimony prompting both accusations was no doubt given by the same person or persons. I ask again: Whose evidence and what is it worth?

LEONA K. WARD.

Subscribed and sworn to before me this 4th day of April 1941.

[SEAL]

K. E. SAWYER, *Notary Public*.

My commission expires October 31, 1943.

EXHIBIT E

STATE OF OREGON,

County of Multnomah, ss:

I, Ellis Donovan, being first duly sworn, depose and say that very soon after daylight on the morning of March 3, 1934, I visited the scene of the collision between a truck belonging to the United States in the Civilian Conservation Corps service at Reedsport, Oreg., and a private automobile driven by Mrs. Leona K. Ward, of Albany, Oreg. This place is located about 4 miles west of Albany toward Corvallis. In company with me was Mr. W. W. Winters, who at that time was a State police officer.

There was plenty of evidence of the accident yet visible. The tire marks of the truck showed conclusively that it had crossed to its left side of the road and collided with the car. The tire marks of the car showed that it had been driven to its extreme right of the road to the extent that the right wheels were against the curbing of the bridge. The curb was freshly scratched and chipped, showing us where the hub caps of the car had scraped along it. No doubt but that evidence is there now. There is no doubt that Mrs. Ward drove her car as far to the right as possible to escape being hit by the truck.

After examining the evidence for some time Mr. Winters, pointing to the tire marks and the chipped curb, made the remark to me that, for anyone that wanted

to see it, the evidence was all right there to show who was to blame for the collision. There was no question in our minds but that the driver of the truck was wholly to blame for the accident, and that Mrs. Ward had done all that was possible to avoid the collision.

ELLIS DONOVAN.

Subscribed and sworn to before me this 2d day of April 1941.

[SEAL]

L. H. ALEXANDER, Notary Public.

My commission expires November 11, 1944.

EXHIBIT F

STATE OF OREGON,

County of Deschutes, ss:

I, Carol D. Ward, being first duly sworn upon oath, say that about 9:30 p. m., on March 2, 1934, I was riding in a private automobile together with my wife, Mrs. Leona K. Ward, and Mr. C. L. Berchtold. With Mrs. Ward driving we were going from Albany to Corvallis, Oreg. When we were about 4 miles west of Albany, I noticed the headlights of some cars coming toward us. They were across a bridge and around a curve. There were no other lights on the first two vehicles except their headlights. None of us suspected or had any idea that they were trucks until after the one in the lead cut across the road and side-swiped our car.

When we were far enough around the curve to see the full width of the road, I saw that the first vehicle was almost over to our side of the highway. The farther it advanced, the farther it went to its left. Mrs. Ward was by this time slowing the speed of our car and driving as far to the right as possible and at the same time made an entrance to the bridge. I had the window open on my side of the car and, just before it was struck by the truck, I distinctly heard the right front hub cap scrape on the curb of the bridge.

A part of the frame of the bed of the truck extended from the side of the bed at the rear. Neither that part of the bed that extended beyond the regular width of the truck nor the projection at the rear of the bed were lighted as provided for by law in this State. This projection was the cause of most of the damage to our car and was the means of pulling the car halfway around and over on its right side.

If Mrs. Ward was "wholly to blame" for the accident, as charged by the War Department, I would like for them to explain how it was that our car was not damaged on the front end. If that statement was true, she would have done the hitting and it could not have been any other place than on the front of our car and on the front of the truck, since she was negotiating a right-hand curve and the truck a left-hand curve. Photographs of the car after the accident show this not to be a fact.

To me there is not the slightest doubt that false evidence was submitted to, and was used, perhaps innocently by the War Department in recommending to the Claims Committee an unfavorable report for my relief. I know of some such evidence and there must have been more of it, else the Department would have taken different action. If the whole truth had been told in the beginning I would have had my relief long ago.

Of all the people, exclusive of the Civilian Conservation Corps boys, who saw the collision, the position of the car after the accident, and the damaged car, there was not one that could be convinced that Mrs. Ward was in any way to blame for the accident. They are all of the opinion that it was and is one of the most unfair episodes of their knowledge.

Other than the ones in our party there were only two, at most, together with Carl Nelson, who actually saw the accident. They would have been riding in the seat of the truck with him. As far as witnessing the collision is concerned the others might just as well have been blindfolded, as they were riding in the enclosed rear of the truck. Their testimony as to the actual happenings of the accident is worthless.

Carl Nelson knows nothing, and cares less, of the anguish Mrs. Ward and I have endured during the past 7 years, and will no doubt continue to endure. By making statements to show that Mrs. Ward was to blame for the accident, he and his companions have gone merrily on their way, without so much as a reprimand.

Then, furthermore, the War Department passed judgment on the case from evidence gathered by only their representative, without trying to get evidence from our side.

The Army officer who took Mrs. Ward and me to the scene of the accident never asked us any questions about the collision, or as to how it happened or who saw it. While driving us out to the bridge, his chauffeur was passing other cars, dodging in and out of the traffic, at 60 to 65 miles a hour. After a little of that kind of driving the officer saw that Mrs. Ward and I were getting nervous; he nudged his driver in the side and growled out of the corner of his mouth, "Cut 'er down; cut 'er down."

Not long after the accident Nelson's commanding officer told a mutual friend that, so far as he knew, Nelson had never before driven a truck, that he was his [the commanding officer's] private chauffeur. That being so, Nelson should never been permitted to drive the truck and, after he was permitted, he should have used more care and judgment.

Before the accident and the loss of my arm I had a good position with a good salary, and a fine outlook toward life. Overnight I was transformed into a dependent, all because of a little carelessness, a fear of punishment, if the truth was told, and an unfair and one-sided investigation. Mrs. Ward immediately took up the duties of breadwinner very graciously and admirably. She has continued as such all through the years with the little help that I am now able to give.

And now there are times when my optimism runs low with discouragement, but I still have faith in my Government and my country, and a sense of justice toward all.

CARROLL D. WARD.

Subscribed and sworn to before me this 4th day of April 1941.

[SEAL]

K. E. SAWYER, Notary Public.

My commission expires October 31, 1943.

EXHIBIT G

STATE OF OREGON,
County of Linn, ss:

I, J. K. Mills, being first duly sworn, depose and say that being a police officer for the city of Albany, Oreg., and working the night shift on March 2, 1934, I was on duty at the time of a collision between a private automobile, driven by Mrs. Leona K. Ward, and a truck belonging to the United States, and being driven by Carl Nelson, an enrollee of the Civilian Conservation Corps; that I talked to Mrs. Ward at the hospital immediately after the accident, and made special effort to ascertain whether or not she had been drinking; that I was convinced at that time and am of the same opinion now, that she had not been drinking; that I also viewed the car she was driving at the time of the collision and, from the actual injury to it, it leaves no doubt but that the driver of the truck was over the center line of the highway, the wrong side for him, and sideswiped it; that knowing the physical aspects of the highway at the point of collision, and that the first point of contact was on a projection from the body at the extreme rear of the truck, and at the front of the car on the side of the fender, proves that Mrs. Ward could not have been driving improperly; and that had she been driving over the center line in the right-of-way of the truck there would have been an inescapable head-on collision instead of the sideswiping of her car as was the fact; that, again, had she been driving improperly on a right-hand curve to her, the contact pressure would have lessened as the cars progressed, but this was not the fact, as was shown by the fact that her car was lightly scraped at the front where the projection first touched and the tearing out of the left rear door and left rear side and the left rear end; and finally that there was and is no doubt in the belief of at least a hundred persons who saw the injury to the car Mrs. Ward was driving but that it was actually, if not deliberately, driven into by the driver of the truck.

J. K. MILLS.

Subscribed and sworn to before me this 26th day of March 1941.

[SEAL]

B. C. GERIG, Notary Public.

My commission expires July 14, 1941.

STATE OF OREGON,

County of Clatsop, ss:

I, Mrs. Hazel Wrightman, being first duly sworn upon oath, say that on the evening of March 2, 1934, I was working as a waitress in a restaurant located on First Street, in Albany, Oreg.

A short time after 10 o'clock about six Civilian Conservation Corps enrollees came into the restaurant and ordered, paid for, and drank beer which I served them. I judged by their actions and conversation that that was not the only beer they had drunk that evening, although they were not what is known as "visibly intoxicated."

They were joking and laughing about the incident of just running into a car with their truck. The accident meant no more than an amusing incident to them, as they were sure they could get out of it.

I do not know the names of any of them, but from what was said among them I presumed the driver of the truck that was in the collision was present.

After I learned how serious the accident was, the thought came to me: "What a shame, if not a crime, it was that such careless and irresponsible boys should be given so much responsibility. And that, the great sadness of it all was; they are protected in this carelessness and irresponsibility by the Government. And that society has little redress from them for their waywardness and destruction by virtue of this protection."

Any material thing that Mr. Ward may receive will not give back to him his right arm, which was lost in a moment of gross carelessness by another.

(Mrs.) HAZEL WRIGHTMAN.

Subscribed and sworn to before me this 15th day of April 1941.

[SEAL]

B. C. GERIG, *Notary Public.*

My commission expires July 14, 1941.

STATE OF OREGON,

County of Linn, ss:

I, J. K. Mills, being first duly sworn on oath, depose and say:

That on March 2, 1934, I was employed as a traffic officer by the city of Albany, Linn County, Oreg., a municipal corporation, and on said evening at or about the hour of 10 o'clock I was notified that a wreck had occurred on Grease Creek Bridge, between Albany and Corvallis, upon the paved highway in Benton County, Oreg.

That I investigated said accident and collision and was in the close proximity of Lena K. Ward and talked the matter of the collision over with her at great length and I had every opportunity to observe her actions, demeanor, and conduct; and to likewise determine if she had been consuming any alcoholic beverages or was in a state of intoxication.

That I say on oath that the said Lena K. Ward at that time was not under the influence of any alcoholic beverages nor was she intoxicated, nor did she evidence in any respect any intoxication, nor had she, so far as I was able to observe, been consuming any alcoholic beverages.

J. K. MILLS.

Subscribed and sworn to before me this 10th day of April 1937.

[SEAL]

A. K. McMAHAN, *Notary Public.*

My commission expires August 6, 1938.

STATE OF OREGON,

County of Linn, ss:

I, M. M. Woodworth, being first duly sworn on oath, do depose and say:

That I am a duly licensed and practicing physician and surgeon under the laws of the State of Oregon engaged in the practice of medicine and surgery at Albany, Oreg.

That on March 2, 1934, at or about the hour of 10 o'clock in the evening of said day, Carrol D. Ward, for whose relief H. R. 1247 has been introduced in the Congress of the United States of America, was brought to the Albany General Hospital, suffering severely from injuries which he had sustained in an automobile collision. That, as a result of said injuries sustained, Dr. B. R. Wallace and

I operated upon Mr. Ward and amputated his right arm between the elbow and shoulder, that I was in close proximity to the said Carrol D. Ward and I state from my own personal knowledge there was no odor from him of any intoxicating beverage or any alcoholic beverage or any evidence of any intoxication upon his part, and at the same time and place I was in close proximity to the wife of the said Carrol D. Ward, to wit, Lena K. Ward, and I will say on my own personal knowledge that she likewise was not under the influence of alcoholic beverages of any kind and there was no evidence of any intoxication upon her part or of her having consumed any alcoholic beverages.

That my sense of smell is acute, and had there been any alcoholic beverages consumed by either of said persons I would have detected the same by being in close proximity to them and having had the opportunity of smelling their breaths.

M. M. WOODWORTH.

Subscribed and sworn to before me this 13th day of April 1937.

[SEAL]

A. K. McMAHAN, *Notary Public.*

My commission expires August 6, 1938.

STATE OF OREGON,
County of Linn, ss:

I, Chester Berchtold, being first duly sworn on oath, do depose and say:

That I am acquainted with Carrol D. Ward, for whose benefit and relief House bill 1247 has been introduced in the Congress of the United States of America, and with his wife, Lena K. Ward.

That on the evening of March 2, 1934, at or about the hour of 9:40 p. m. of said day, I was riding in an automobile from Albany, Oreg., to Corvallis, Oreg., with the said Carrol D. Ward and Lena K. Ward. That at said time there was a collision between the automobile in which I was riding and a Civilian Conservation Corps truck, owned and operated by the United States Government, on the Grease Creek Bridge near Albany, in Benton County, Oreg., and, as a result of said accident, the said Carrol D. Ward suffered the loss of an arm.

That I am now informed that a charge is being made that the said Carrol D. Ward, Lena K. Ward, and myself were under the influence of alcoholic beverages. That I know of my own personal knowledge that the said Carrol D. Ward and the said Lena K. Ward had not been consuming alcoholic beverages and were not under the influence of alcoholic beverages, and I also know that I had not been consuming alcoholic beverages and was not under the influence of alcoholic beverages and I know the foregoing facts to be true from my own personal knowledge.

CHESTER L. BERCHTOLD.

Subscribed and sworn to before me this 13th day of April 1937.

[SEAL]

A. K. McMAHAN, *Notary Public.*

My commission expires August 6, 1938.

STATE OF OREGON,
County of Linn, ss:

I, Al Malo, being first duly sworn on oath, do depose and say:

That I am over the age of 21 years and employed as a bridge foreman for the Southern Pacific Railway Co.; that I reside at Albany, in Linn County, Oreg.

That on the evening of March 2, 1934, Carrol D. Ward was involved in an automobile collision and, as a result thereof, suffered the loss of his right arm. On this evening, following the collision, I took Lena K. Ward, his wife, in my automobile from the Albany General Hospital to her place of residence in Albany. That I visited with her at the hospital and at her home following the collision and had every opportunity to observe and determine whether she had been drinking alcoholic beverages or any other intoxicant.

That I say on my own personal knowledge from the opportunities which I had to observe and determine that the said Lena K. Ward was not under the influence of alcoholic beverages, neither had she been consuming any alcoholic beverages.

AL MALO.

Subscribed and sworn to before me this 10th day of April 1937.

[SEAL]

A. K. McMAHAN, *Notary Public.*

My commission expires August 6, 1938.

STATE OF OREGON,
County of Linn, ss:

I, B. R. Wallace, being first duly sworn on oath, do depose and say:

That I am a duly licensed practicing physician and surgeon, under the laws of the State of Oregon, engaged in the practice of medicine and surgery at Albany, Oreg., and have been so engaged for more than 20 years prior to the date of this affidavit.

That on March 2, 1934, at or about the hour of 10 o'clock in the evening of said day, Carrol D. Ward, for whose relief House bill 1247 has been introduced in the Congress of the United States, was brought to the Albany General Hospital, suffering severely from injuries which he had sustained from an automobile collision. That, as a result of said injuries sustained, Dr. M. M. Woodworth and I operated upon Mr. Ward and amputated his right arm between the elbow and shoulder; that I was in close proximity to the said Carrol D. Ward and I state from my own personal knowledge there was no odor from him of any intoxicating beverage or any alcoholic beverage or any evidence of any intoxication upon his part and, at the same time and place, I was in close proximity to the wife of said Carrol D. Ward, to wit, Lena K. Ward, and she likewise, I will say on my own personal knowledge, was not under the influence of alcoholic beverages of any kind and there was no evidence of any intoxication upon her part or of her having consumed any alcoholic beverages. That my sense of smell is acute, and had there been any alcoholic beverages consumed by either of said persons I would have detected the same by being in close proximity to them and having had the opportunity to smell their respective breaths.

That Dr. M. M. Woodworth assisted me in performing said operation and caring for the said Carrol D. Ward.

B. R. WALLACE, M. D.

Subscribed and sworn to before me this 7th day of April 1937.

[SEAL]

A. K. McMAHAN, Notary Public.

My commission expires August 6, 1938.

STATE OF OREGON,
County of Linn, ss:

I, Carrol D. Ward, being first duly sworn on oath, do depose and say:

That I am that certain individual named in House bill 1247, which has been introduced in Congress for my relief.

That on March 2, 1934, at or about the hour of 9:40 p. m., I was in an automobile with my wife, Lena K. Ward, who was driving the automobile, and Chester Berchtold, and, as I have stated in affidavits which are on file in connection with this claim, I suffered the loss of my arm by reason of a collision between the automobile in which I was riding and a Civilian Conservation Corps truck, owned and operated by the United States Government, on the Grease Creek Bridge near Albany, in Benton County, Oreg.

That I am now informed that affidavits have been filed to the effect that at that time I had been consuming alcoholic beverages and was intoxicated and that also this same situation obtained as to my wife, Lena K. Ward, and Chester Berchtold. I depose and say on oath that at that time nor at any other time that day was I consuming or was under the influence of any alcoholic beverage.

That immediately following said collision I was taken to the Albany General Hospital and attended by Dr. B. R. Wallace, of Albany, Oreg., and Dr. M. M. Woodworth, of Albany, Oreg., and my arm was amputated and my other injuries cared for by said physicians and surgeons.

CARROL D. WARD.

Subscribed and sworn to before me this 13th day of April 1937.

[SEAL]

A. K. McMAHAN, Notary Public.

My commission expires August 6, 1938.

STATE OF OREGON,
County of Linn, ss:

I, Lena K. Ward, being first duly sworn on oath, do depose and say:

That I am the wife of Carrol D. Ward, for whose benefit and relief House bill 1247 has been introduced in the Congress of the United States of America.

That on the evening of March 2, 1934, at or about the hour of 9:40 o'clock p. m. of said day, I was driving an automobile from Albany, Oreg., to Corvallis, Oreg., and riding with me was my husband, Carrol D. Ward, and Chester Berchtold. That my husband has filed a claim for relief from the United States Government by reason of injuries he has sustained from the accident which occurred at said time.

That I am now informed that a charge is being made that the said Carrol D. Ward, myself, and the said Chester Berchtold were under the influence of alcoholic beverages. That I know of my own personal knowledge that the said Carrol D. Ward had not been consuming alcoholic beverages and was not under the influence of alcoholic beverages and I also know that I had not been consuming alcoholic beverages, nor was there any odor from anyone in the car with respect to alcoholic beverages; and I further state that Chester Berchtold was not under the influence of alcoholic beverages and he had not been consuming alcoholic beverages, and I know the foregoing facts to be true to my own personal knowledge.

LENA K. WARD.

Subscribed and sworn to before me this 13th day of April 1937.

[SEAL]

A. K. McMAHAN, Notary Public.

My commission expires August 6, 1938.

STATE OF OREGON,
County of Linn, ss:

I, Myrtle Donovan, being first duly sworn on oath, do depose and say:

That I am over the age of 21 years, a resident of the city of Albany, county of Linn, State of Oregon.

That on March 2, 1934, and immediately following the collision between a Pontiac automobile, driven and operated by Leona K. Ward, and a Civilian Conservation Corps Chevrolet truck, driven and operated by one Carl Martin of the Civilian Conservation Corps, I examined said automobile and truck and, from my examination, found that there were no side or clearance lights on said Civilian Conservation Corps truck and from the examination of said vehicles it is my opinion that the Pontiac automobile was sideswiped by the Chevrolet truck.

MYRTLE DONOVAN.

Subscribed and sworn to before me this 15th day of August 1934.

A. K. McMAHAN, Notary Public.

My commission expires August 6, 1938.

(Exhibit N.)

[Copy]

STATE OF OREGON

DEPARTMENT OF STATE POLICE OFFICER'S REPORT

MARCH 3, 1934.

No. 1660.

County: Benton.

Time: 8:30 a. m.

Place: Corvallis.

Subject: Investigation of accident.

At 10:30 p. m., March 2, received call to come to scene of accident on Corvallis-Albany Highway, and left at once to investigate same.

Accident happened at concrete bridge, about 4 miles from Albany on Albany-Corvallis Highway. Pontiac sedan, Oregon license No. 170512, driven by Mrs. Leona Ward, 924 Lyon Street, Albany, carrying as passenger Carrol Ward, husband, collided with Chevrolet truck U. S. Govt. 10-212, driven by Carl Martin, care of Civilian Conservation Corps Camp, Reedsport, Oreg. As both vehicles had been moved when the writer arrived at scene of accident, and no skid marks appeared on the highway, cause of accident not known. Mr. Ward

received a badly torn right hand which will have to be amputated, according to attending physician. Mrs. Ward received several cuts of face.

J. E. LILLARD,
State Police Officer.

A true copy.

C. F. BERNICO,
First Lieutenant, Cavalry Reserves,
President, Board of Officers.

(Exhibit C-6.)

STATE OF OREGON,
County of Linn, ss:

Personally appeared before me, the undersigned, authorized by law to administer oaths in matters of this nature, one B. R. Wallace, who, upon being duly sworn, deposes and says:

On March 2, 1934, I saw Mr. Carrol Ward at Albany General Hospital, Albany, Oreg., about 10 p. m., following auto accident.

His right hand was badly lacerated, the skin on back of hand and extensor tendons ground off, bones of metacarpals and small bones of wrist ground into, wrist joint opened.

He was advised that amputation above wrist was the choice, but was against such a radical procedure.

Against better judgment I cleansed wound, iodized thoroughly, and closure as well as possible with what skin was left. The exterior tendons could not be united because of absence of about 2 inches more of them. Mr. Ward understood before this was done that he would have a stiff wrist and an almost useless hand. Tetanus antitoxin given.

On March 3 and 4, dressings were done and hand appeared as expected. On March 5 hand swollen, forearm above wrist swollen, and on pressure the presence of gas bubbles noted under skin; gas gangrene.

Arm was immediately amputated above elbow—three injections mixed tetanus and gas gangrene antitoxin given—arm made a normal union, except that there has been a slight serious drainage from one angle since that time, though that now is about well.

Mr. Ward was confined to the hospital from March 2 to March 16 and was treated at home a few times, but has been coming to the office for dressings since.

Further deponent sayeth not.

B. R. WALLACE, M. D.

Sworn to and subscribed before me this 16th day of August 1934.

ELSIE M. BAIN, Notary Public.

My commission expires March 21, 1936.

(Exhibit P.)

ALBANY GENERAL HOSPITAL,
Albany, Oreg., March 16, 1934.

CARROL D. WARD:

Operating room.....	\$15
Room, 14 days, from Mar. 2 to 16, 1934, at \$5 per day.....	70
Gas anesthetic.....	10
Total.....	95

Received payment.

B. R. WALLACE, President.

(Exhibit Q.)

THE OWL DRUG STORE,
Albany, Oreg., May 10, 1934.

CARROL WARD:

3 gangrene serum (sent to hospital by Dr. B. R. Wallace) ---- \$12

Paid June 30, 1934.

FRED DAWSON.

(Exhibit R.)

MEMORANDUM OF ACCOUNT (STATEMENTS RENDERED MONTHLY)

B. R. WALLACE, M. D.,
Albany, Oreg., August 13, 1934.

CARROL WARD:

Professional services----- \$150

B. R. W.

(Exhibit S.)



MEMORANDUM OF AGENT'S STATEMENT OF INVESTIGATION

H. H. WARD, M. D.
Albany, New York

CARROLL WARD

Professional services

U. S. W.

(Exhibit 2)